

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of N.M., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20061082-CA
)	
B.M.,)	F I L E D
)	(January 19, 2007)
Appellant,)	
)	2007 UT App 16
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Seventh District Juvenile, Price Department, 506004
The Honorable Mary Manley

Attorneys: Dusten L. Heugly and Sonny J. Olsen, Price, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Greenwood, Billings, and Orme.

PER CURIAM:

B.M. (Mother) appeals the termination of her parental rights in N.M. We affirm.

Mother first asserts that there was insufficient evidence to support the juvenile court's determination that she was an unfit parent. However, the juvenile court found multiple grounds for termination under Utah Code section 78-3a-407, including abuse, neglect, failure to remedy the circumstances leading to N.M.'s out-of-home placement, and failure of parental adjustment. See Utah Code Ann. § 78-3a-407(1)(b)-(d) (Supp. 2006). Pursuant to section 78-3a-407(1), the finding of any single ground is sufficient to warrant termination of parental rights. See id. § 78-3a-407(1) (providing that the court may terminate all parental rights if it finds any one of grounds listed); In re

F.C. III, 2003 UT App 397, ¶6, 81 P.3d 790 (noting any single ground sufficient to terminate parental rights). Mother does not challenge any of these other grounds for termination, implicitly conceding there is adequate evidentiary support for them, so termination is clearly warranted.

Mother next argues that there was insufficient evidence to support the juvenile court's determination that it was in N.M.'s best interest if Mother's parental rights were terminated. If there are sufficient grounds to terminate parental rights, "the court must [then] find that the best interests and welfare of the child are served by terminating the parents' parental rights." In re R.A.J., 1999 UT App 329, ¶7, 991 P.2d 1118; see also Utah Code Ann. § 78-3a-406(3) (Supp. 2006). The determination of whether the termination of parental rights is in the best interests of the child is reviewed under an abuse of discretion standard. See In re A.G., 2001 UT App 87, ¶7, 27 P.3d 562.

The juvenile court found that Mother's "habitual or excessive use of controlled substances or dangerous drugs renders her unable to care for the child." This finding is amply supported by the record. For instance, during the course of Mother's reunification service plan, Mother tested positive for drugs nearly a dozen times. Further, because Mother knew that future tests would reveal the presence of drugs in her system, she simply stopped taking the drug tests required in her service plan. Similarly, Mother had only just begun attending an intensive outpatient substance-abuse treatment two days prior to the termination hearing. Prior to that date, Mother did nothing of consequence to deal with her addiction.

The juvenile court also found that Mother "has failed to exhibit the normal interest of a natural parent without just cause, and she had been either unable or unwilling to have physical custody of the child." This finding is also supported by the record. Specifically, Mother missed scheduled visits with N.M. on fifteen occasions. She was late for four other visits and had only called N.M.'s care givers on a couple of occasions to check on N.M.

In contrast to Mother's ongoing dependency issues and lack of interest in N.M., the juvenile court found that N.M. was in a stable, loving home with foster parents who sought to adopt her. The prospective adoptive parents were financially secure and lived near extended family members who had become part of N.M.'s life. Under the totality of these circumstances, the juvenile court was well within the sound exercise of its discretion in determining that it was in N.M.'s best interest for Mother's parental rights to be terminated.

Accordingly, the order terminating Mother's parental rights is affirmed.

Pamela T. Greenwood,
Associate Presiding Judge

Judith M. Billings, Judge

Gregory K. Orme, Judge